IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19426 of 2004

Between:

H. Uday Kumar, S/o Late Rama Rao, aged about 46 years,
R/o H.No. 4-8-798, Gowliguda, Hyderabad.

..... PETITIONER

AND

1 The Municipal Corporation of Hyderabad, rep. by its Commissioner,
Town Planning Section, Circle No.6, Hyderabad.

2 Smt. B. Sabitha, W/o Late B. Prakash, aged about 46 years, Occ: Household,
R/o 4-8-805, Gowliguda, Hyderabad and also H.No. 4-1-11/A/2, Tilak

Road, Hyderabad.

3 B. Manish, S/o Late B. Prakash, aged about 30 years, Occ: Business,
H.No. 4-1-11/A/2, Tilak Road, Hyderabad and also at H.No. 4-8-805,

Gowliguda, Hyderabad .

4 Ganti Chakravarthi, S/o not known, aged 40 years, R/o 1-2-380, Gagan

Mahal Road, Domalaguda, Hyderabad.

5 Y.K. Venumadhav, S/o not known, aged 50 years,
R/o 5-1-145, Gowliguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent in issuing the notice dated 15-10-2004 to the 4th respondent herein directing him vacate the building bearing No. 4-8-792 to 799 situated at Gowliguda, Hyderabad as illegal, and without authority and consequently to direct the respondents not to take any steps in pursuance of the said notice

Counsel for the Petitioner: MR.P.VARA PRASAD RAO

Counsel for Respondent No.1: MR.RAMA RAO GANTA, SC for MCH.

Counsel for Respondent Nos.2 to 5: --

This Court at the admission stage made the following O R D E R:

O R D E R:

This writ petition is filed seeking a writ of Mandamus declaring the action of the first respondent in issuing the notice dated 15-10-2004 directing the fourth respondent to vacate the premises bearing Nos.4-8-792 to 799 situated at Gowliguda, Hyderabad as illegal, arbitrary and consequently to direct the first respondent not to take any steps in pursuance of the impugned notice.

The facts in brief are that the fourth respondent is the owner of the premises bearing Nos. 4-8-792 to 799 situated at Gowliguda, Hyderabad. The petitioner is the tenant of the premises bearing No.4-8-798. The first respondent on 15-10-2004 served the impugned notice under Section 456 of the Hyderabad Municipal Corporation Act, 1955 to the fourth respondent directing him to vacate the premises bearing Nos.4-8-792 to 799 within a period of two days from the date of receipt of the said notice. The grievance of the petitioner is that he has been in continuous possession and enjoyment of the premises bearing No.4-8-798 and that the respondent-Corporation is not justified in issuing the impugned notice. He further submits that he made a representation dated 16-10-2004 before the respondent-Corporation requesting them not to proceed further in pursuance of

the impugned notice. Since no action has been taken, the petitioner filed the present writ petition.

In view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the first respondent to consider and pass appropriate orders, in accordance with law, on the representation dated 16-10-2004 made by the petitioner after giving opportunity of being heard.

The writ petition is accordingly disposed of at the admission stage.

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(**K.C. BHANU, J**)

ghn

To

1 The Municipal Corporation of Hyderabad, rep. by its Commissioner,
Town Planning Section, Circle No.6, Hyderabad.

2 Two C.D copies